



SOLICITATION FOR FINANCIAL ASSISTANCE APPLICATIONS

NUMBER DE-PS36-00GO10486

FOR

NATIONAL INDUSTRIAL COMPETITIVENESS THROUGH ENERGY, ENVIRONMENT, AND ECONOMICS

(NICE³) PROGRAM

Issuing Office: U.S. Department of Energy
Golden Field Office
1617 Cole Boulevard, 17-3
Golden, CO 80401

Date Issued: May 31, 2000

CLOSING DATE AND TIME: August 11, 2000 at 3:00 p.m. Mountain Time

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AGENCY: Department of Energy, Golden Field Office.

ACTION: Solicitation for Financial Assistance: DE-PS36-00GO10486, National Industrial Competitiveness through Energy, Environment, and Economics (NICE³) Program

SUMMARY: The U.S. Department of Energy (DOE), Golden Field Office (GO), is seeking applications for the NICE³ program which funds the first production-scale commercial demonstration of an industrial process, as defined in “Stages of Development” (Exhibit 1). Grants range up to \$525,000, and a 50% cost share is required. Total funding available for award is estimated to be \$4,000,000. DOE anticipates awarding up to 15 grants, and each award may cover a project period of up to three years. No additional funding of applications for continuation of work beyond the award period is envisioned or planned by DOE. The program's intent is to encourage highly leveraged funding to get an innovative project commercially demonstrated in industry by the end of the award period.

The NICE³ program advances U.S. competitiveness through commercial demonstration of energy efficient and clean production manufacturing and industrial technologies in industry. This is accomplished by providing cost-shared financial assistance to state and industry partnerships (see “Eligible Applicants” section of this solicitation).

Projects funded through NICE³ will achieve cleaner production in the U.S. manufacturing and industrial sectors through the adoption of energy efficient and cleaner production techniques. Cleaner production refers to manufacturing and industrial processes that result in reduced energy use, waste, and emissions. These processes, when implemented in industry, improve U.S. industrial productivity and economic competitiveness. It is expected that projects selected for the one time financial assistance will yield new processes and/or equipment that can significantly reduce use of energy and energy intensive feed-stocks and reduce generation of wastes in industry.

For consideration, the technology's stage of development must fall within stage five “Production-Scale Commercial Demonstration” (see “Stages of Development” Exhibit 1). To be ready for commercial demonstration, all research and development activities must already be completed with successful test results. By the end of the financial assistance period, an industrial scale, commercial demonstration must be completed in the U.S. The demonstration must be conducted long enough to gather sufficient data to determine the energy, environmental, and economic impacts. At the end of the project, the technology/process must be ready for commercialization.

If all research and development activities have not been completed, the Inventions and Innovations (I&I) program may be better suited for your technology development. The I&I solicitation may be viewed at www.oit.doe.gov/inventions.

The following Office of Industrial Technologies (OIT) focus industries, dominant energy users and waste generators in the U.S. manufacturing sector, are of particular interest to the program: Agriculture, Aluminum, Chemicals, Forest Products, Glass, Metalcasting, Mining, Petroleum, and Steel. Emphasis will be placed on technologies consistent with the vision and roadmap documents of the OIT focus industries. However, projects that involve non-OIT focus industries and industrial processes in the other three Energy Efficiency and Renewable Energy (EERE) sectors (transportation, buildings, and power) will also be considered for award. Please refer to www.oit.doe.gov for further information on the OIT focus industries and www.eren.doe.gov for additional information on each EERE sector.

COST SHARE: The DOE share for each award will be up to \$525,000. The industrial partner may receive a maximum of \$500,000 in federal funding. A maximum of \$25,000, or 10% of the total amount to industry, whichever is less, may be used to support a state agency's costs associated with financial assistance administration, technology transfer/dissemination, marketing, etc. (this portion of the federal contribution is not required to be cost shared). Non-federal cost share from a combination of state and industrial partner

sources for a single award must be at least 50% of the total cost of the project (if \$500,000 in Federal funding is requested, cost-share must equal at least \$500,000). Support shall be in the form of cost-sharing which demonstrates a substantial interest in the proposed project to fully implement the technology in industry. Cash, equipment, labor, and in-kind contributions are all allowable as cost share as defined in 10 CFR 600.224 and 600.123. Participants cannot count funds derived from other Federal funding sources as part of their required cost share.

QUALIFIED APPLICANTS: To apply for this financial assistance program, applicants shall be a state agency in partnership with an industry partner(s). State agencies include state energy, state environmental, state business development, or any state agency as defined by 10 CFR 600.202. In addition to the 50 states, the District of Columbia, the U.S. Virgin Islands, the Commonwealth of Puerto Rico, any territory or possession of the United States, and all federally-recognized Indian tribes are eligible as described in 10 CFR 600.202. A list of participating state agencies can be found at www.oit.doe.gov/nice3.

Applicants are not limited in the number of applications they can submit, provided that multiple applications are not submitted for the same project. Also more than one organization may be involved in an application, as long as the lead organization and lead financial assistance management responsibilities are defined. Any sub-awards must be fully executed by December 2001 or risk de-obligation of funds.

Small businesses, according to the Small Business Administration definition, are especially encouraged to participate. Applications submitted by the following will not be eligible for an award under this solicitation: (1) a federal agency; (2) a federally funded research and development center sponsored by a federal agency; or (3) DOE Management & Operating contractors. However, an application that includes performance of a portion of the work by 1, 2, or 3 above will be evaluated and may be considered for award. The portion of the project to be performed by 1, 2, or 3 above must not be paid for by the funds from a potential award under this solicitation. Also if another source of federal funds is used to pay for the portion of the proposed work that other federal funding may not be counted as required cost share for the project.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE (CFDA) NUMBER: The CFDA number for this solicitation is 81.105.

STATUTORY AUTHORITY AND EPACT ELIGIBILITY REQUIREMENTS: Financial assistance for this program is authorized under the Energy Policy Act of 1992 (EPAct), Public Law 102-486. Section 2306 establishes eligibility requirements for companies to participate in financial assistance programs covered under Titles XX through XXIII of the EPAct. After selection, applicants must complete and submit with their supplemental material the correct EPAct form.

ADDRESS: Full Applications (1 original and 4 copies) shall be submitted to the following address:

U. S. DOE Golden Field Office
Attention: Ms. Shirley Johnson
1617 Cole Boulevard, #17-3
Golden, Colorado 80401

QUESTIONS AND ANSWERS: Frequently asked questions and the associated answers will be posted at ([Link 2](#)). Additional solicitation questions not addressed on the website must be submitted in writing to Ms. Shirley Johnson at 1617 Cole Boulevard, #17-3, Golden, Colorado 80401 or by facsimile at (303) 275-4788 or e-mail at go_nice3@nrel.gov by July 17, 2000. Please identify the solicitation to which your questions relate. You may also call 303/275-4770 for additional information.

DATE FOR SUBMITTAL OF FULL APPLICATION: Full applications (one original and four copies) shall be submitted by 3:00 p.m. MDT on Friday, August 11, 2000. An application received after the aforementioned date shall be considered a late submission and not eligible for consideration unless it: 1) was postmarked or otherwise dated by commercial carrier not later than the application due date specified above (**private**

metered postmarks are not acceptable proof of the date of mailing) and 2) is received before the evaluation of applications begins. The envelope containing the application must be marked Solicitation Number DE-PS36-00GO10486. Applications will not be returned to the applicants and no pre-application briefing will be held.

The application supplemental documentation, discussed in “Part Two” under “Application Requirements” of this solicitation, must be submitted **within 30 calendar days after selection notification**. Applicants who fail to cooperate fully and in a timely manner during negotiations will be eliminated from further consideration for awards.

Selections made under this solicitation are expected to be announced in early December 2000.

APPLICATION REQUIREMENTS: A responsive NICE³ application shall contain the following information and use the following format. The required application face sheet is the Standard Form (SF) 424 (Form 1). Complete and submit the “NICE³ Grant Application Requirements Checklist” (Attachment 1) with the application. All items on the checklist must be present and acceptable for an application to be considered responsive. DOE requires the submission of pre-award assurances of compliance and certifications which are mandated by law. Use the following: 1) Certification regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (Form 2) and 2) DOE Form 1600.5, Assurance of Compliance, Nondiscrimination in Federally Assisted Programs, OMB Burden Disclosure Statement (Form 3). A NICE³ “Go-By,” which outlines a sample application package and provides additional guidance for preparing a NICE³ application (Exhibit 3).

Part One - Technical Information: The technical application must be in English and typewritten, comprised of the following three sections.

Title Page/Abstract

- State your technology’s stage of development (Production-Scale Commercial Demonstration), as reflected in the “Stages of Development” definitions in (Exhibit 1).
- Provide a short title for the application.
- List all partner contacts’ names, addresses, telephone numbers, fax numbers, e-mail addresses, and congressional districts (primary industrial partner, demonstration host site, and state agency).
- Include an abstract not to exceed 250 words that can be understood by and is suitable for release to the public if the application is selected for award. It should include a definition of the technology, its energy savings potential, the location of the proposed demonstration, and a short summary of the work to be accomplished.
- Describe why this project will not go forward without DOE funding (please bold this description within the proposal).
- If applicable, declare the primary OIT focus industry and/or other EERE sector for the proposed technology, as discussed in the “Summary” section of this solicitation. If the technology is relevant to more than one industry, indicate the primary industry and other applicable industries.

Application Narrative

- Limit the application narrative to ten 8½x 11” pages of typed text (no smaller than 12 point type, single-spaced and no less than ¾ margins).
- Present the application narrative in as much detail as is practical and necessary while observing the 10-page limit. Excess pages beyond the 10-page limit will not be evaluated.
- Technical material must be presented using accepted science and engineering principals and terminology. Summary pilot-scale performance data should be included to demonstrate a technology’s operation, advantages over current technology, current stage of development, and its potential energy impact.
- Include the criteria titles as headers in the narrative. If the application does not follow the established format and the reviewers are unable to find the pertinent information expeditiously, a lower evaluation may result. All of the following criteria and applicable subpoints must be addressed to be competitive.

Criterion 1.0: Technical Feasibility and Innovation

- 1.1 Show that a need exists in industry and that the proposed solution is technically viable.
- 1.2 Describe the technology/process and “how” it works, including a discussion on prior development and results with relevant summary data. This description should include as much detail as practical and necessary to allow the reviewers to conduct a thorough evaluation. In addition, complete and submit the “Cost-Sharing, Demonstration Host Site, and Commercial Demonstration Checklist” (Attachment 2).
- 1.3 Identify the scientific and engineering basis for the technology’s operation to show that the technology is developed by providing product/process designs and summary performance data from pilot-scale work.
- 1.4 Discuss prior work to date that supports the current stage of development (Stage Five, Production-Scale Commercial Demonstration).
- 1.5 Discuss the technology/process technical advantages over current technologies, and identify the features that are innovative.

Criterion 2.0: Commercialization / Market Potential

- 2.1 Briefly identify in lay terms the specific product or process expected to be sold (should be limited to a single sentence). Go on to describe the product or process and its commercial uniqueness and benefits. Identify competitive products or processes and state their competitive advantages/disadvantages.
- 2.2 Describe what evidence there is that industry is interested specifically in the proposed product/process. (Include brief letters of industry interest on industry letterhead indicating interest in the technology upon successful demonstration. Please note letters of industry interest are not counted as part of the page limit for application narrative or additional information.). Estimate the total market (in \$U.S.) for the product or process and, explain how the estimate was developed. Based on the entire team's commercialization knowledge, describe the size of the technology's primary target segment within its estimated total U.S. market. Also indicate what share of this segment the applicant plans to capture within the first two years after market entry. Estimate month and year when the fully demonstrated product or process will be ready for sale to the marketplace.
- 2.3 State what commercialization strategy the applicant intends to use (e.g., start a new business; expand an existing business; license or sell the technology to another entity; enter a joint venture or strategic alliance with another company). Discuss what commercialization milestones have been established, and identify what commercialization steps have been taken to date.
- 2.4 Identify anticipated barriers to implementing the proposed commercialization strategy and explain how these barriers will be overcome. Is commercialization dependent on the development of other technologies?
- 2.5 Present the estimated total cost to bring the technology to market. Explain how the product or process will be sold and delivered to the end users, and indicate whether distribution channels are currently available.
- 2.6 Provide a letter from the holder of the technology rights agreeing to actively commercialize the technology and provide 10 years of commercialization data to DOE after the award period ends.

Criterion 3.0: Energy Savings and Associated Benefits

- 3.1 Qualitatively discuss the technology's energy savings. Include examples reflecting percentage improvement over competing/existing technologies.
- 3.2 Provide quantitative energy savings information by using the format in (Exhibit 4). Data should be derived from development (bench-scale and pilot-scale) results and compared with current technologies employed in similar uses. Provide all assumptions used in estimating energy savings.
- 3.3 Qualitatively discuss the technology's environmental benefits, and provide quantitative environmental benefits information by using the format in (Exhibit 4) as a guideline. These may include reductions in CO₂ emissions, elimination of waste production at the source, etc. Include

- assumptions that support these values.
- 3.4 Provide a qualitative discussion of the economic savings (% decrease in cost, capital spending, improvements in quality and productivity achieved through the use of the technology, impact of the technology on employment, etc.) for the proposed technology versus the comparable competing technology.

Criterion 4.0: Statement of Work (See (Exhibit 5) for example)

- 4.1 State the project objective in a narrative form and clearly indicate what the applicant will achieve with the project funds (including federal and cost share funds).
- 4.2 Include an organized list of tasks with **estimated timeframes, responsible individual/organization, and projected cost**, that supports the project objective. (See (Exhibit 5) for sample)
- 4.3 Include for each task a detailed description and expected results in narrative form.
- 4.4 Discuss roles and responsibilities of each team member, including the demonstration partner.

Criterion 5.0: Applicant Capabilities

- 5.1 Describe the technical/commercialization experience of key personnel, including those of team members or partners. Include resumes with additional information.
- 5.2 Identify non-federal partners and their associated cost-share. Provide completed Cost-Sharing, Demonstration Host Site and Commercial Demonstration Checklists (Attachment 2) for each contributing partner. Include the project's host site partner and confirm his financial and/or in-kind commitment. Discuss how and when these funds will be secured to support the project.
- 5.3 Describe the availability of, or plans to obtain, equipment and facilities necessary to conduct a production-scale commercial demonstration.
- 5.4 Provide industry letters of commitment on company letterhead from all cost-share partners indicating the amount and type of commitment. (Please note letters of commitment are not counted as part of the page limit for application narrative or additional information.)

Additional Information: Limit additional information (such as photos, schematics, endorsements, letters of support, letters of commitment, patent summary sheet, articles, or other material deemed pertinent to the technical description of the application) to 10 pages of materials. The form "Similar Financial Assistance Applications or Awards" (attachment 3) must also be completed and submitted with the application. The additional information cannot be used as a continuation of the application narrative. Excess pages beyond the 10-page limit will not be evaluated. Please note that resumes, letters of industry interest, letters of commitment, and any required forms are not counted as part of the page limit for additional information.

Part Two – Cost/Administrative Information: If an applicant is selected for an award under this solicitation, the applicant **MUST** furnish the supplemental documentation identified below.

Supplemental documentation will include additional pre-award certifications, detailed cost information, an environmental checklist, EPA Act Certification Form, and other information deemed necessary by the contracting officer. **All of the supplemental documentation must be furnished within 30 calendar days after the applicant receives notification of selection for negotiations and award.** Failure to furnish the supplemental documentation will result in elimination from further consideration.

APPLICATION EVALUATION:

A. Merit Reviews: All applications will be evaluated under the procedures for "Objective Merit Review of Discretionary Financial Assistance Applications," which was published in the Federal Register on May 19, 1998 (Vol. 63, No. 96).

Applications will be rated by the merit review committee. Applicants may be contacted by the merit review committee (on an all or none basis) for clarifications, and the contracting officer may contact applicants for clarifications before the selection official makes the final selections.

B. Selection Criteria: Only those applications that meet all of the requirements of this solicitation will be considered for selection. Selections will be made in accordance with the selection criteria and programmatic considerations in this solicitation. All applications will be evaluated and point-scored in accordance with the following criteria. The evaluation shall be based on a maximum of 100 points. The applications must be fully responsive to each of the criteria.

Criterion 1.0 (25 points): Technical Feasibility and Innovation shall be evaluated based on the following factors:

- Adequacy and thoroughness of the technology/process description and clarity and completeness of the application;
- Level of innovation and viability of the technology within industry; and
- Justification of the current stage of development.

Criterion 2.0 (25 points): Commercialization / Market Potential shall be evaluated based on the following factors:

- Adequacy of product description and comparison to competitive technologies;
- Adequacy and reasonableness of the market analysis and industry interest;
- Completeness and viability of the detailed commercialization discussion including strategy, completed commercialization steps, planned commercialization milestones, cost to market, and anticipated distribution channels;
- Ability of applicant to overcome commercialization barriers; and
- Contains a letter from the holder of the technology rights agreeing to actively commercialize the technology and provide 10 years of commercialization data to DOE after the award period ends.

Criterion 3.0 (30 points): Energy Savings and Associated Benefits (per Exhibit 4) shall be evaluated based on the following factor:

- Evidence indicating significant (to the associated industry) energy, environmental, and economic savings including supporting data and assumptions.

Criterion 4.0 (10 points): Statement of Work shall be evaluated based on the following factors:

- Adequacy and completeness of the Statement of Work to support successful completion of the project per (Exhibit 5);
- Completeness of Task/Milestone Table with the Statement of Work;
- Likelihood of project task and milestone completion; and
- Team members' roles and responsibilities are clearly laid out and appropriate.

Criterion 5.0 (10 points): Applicant Capabilities shall be evaluated based on the following factors:

- Capabilities of the applicant and partners to comprehensively address all aspects of the proposed project and conduct a production-scale commercial demonstration by the end of the grant period;
- Qualifications and experience of key personnel;
- Commitment of team members;
- Adequacy of equipment and facilities to support successful completion of the project; and
- Required cost-share and host demonstration site are available and adequate.

Programmatic Selection Considerations: In conjunction with the evaluation results and rankings of individual applications, the Government will make selections for negotiations and planned awards from among the highest-ranking applications, using the following programmatic considerations.

- Relevance to the vision and roadmaps of the OIT focus industries (www.oit.doe.gov)
- Total U.S. energy savings
- Geographic distribution
- Diversified EERE portfolio of technologies

- Justification for DOE funding
- Number and success of prior awards
- Amount of available DOE funding

Reporting Requirements and Responsibilities of the Grantee: If an applicant's project is selected for award, the awardee will be required to perform the following tasks:

- The applicant **MUST** furnish the supplemental documentation identified in the "Cost/Administrative Information" section of this solicitation. All of the supplemental documentation must be furnished **within 30 calendar days after the applicant receives notification of selection** for negotiations and award. Failure to furnish the supplemental documentation will result in elimination from further consideration.
- Submit project and financial status reports.
- Submit a final project report suitable for DOE publication on the NICE³ website within 90 days of the completion of the project and funding period of the grant.
- Work with DOE to prepare a fact sheet on the technology for general distribution.
- Work with DOE to verify the associated benefits and commercialization data identified in your proposal
- Attend a Commercialization Strategy Workshop (CSW). The purpose of this workshop is to assist grantees in developing and implementing a commercialization strategy. Travel and workshop fees will be paid by DOE based on available funding.
- Provide an annual presentation of the project's objectives and accomplishments, and potentially attend at least one conference per year (if required, funding may be provided by DOE).
- Provide an on-site project review at the demonstration host-site.
- Allow DOE to track the progress and replication of the technology for 10 years after the grant period.

Cost, as appropriate, should be included in the proposed project budget to perform the above tasks.

NOTICES TO APPLICANTS:

- A. False Statements:** Applications must set forth full, accurate, and complete information as required by this solicitation. The penalty for making false statements is prescribed in 18 U.S.C. 1001.
- B. Application Clarification:** DOE reserves the right to require applications to be clarified or supplemented to the extent considered necessary either through additional written submissions or oral presentations.
- C. Amendments:** Amendments to this solicitation will be posted at the NICE³ web site (<http://www.oit.doe.gov/nice3>).
- D. Financial Assistance for Application Preparation:** No funding will be available under the DOE Minority Economic Impact (MEI) loan program for preparation of applications in response to this solicitation. DOE assumes no responsibility for any costs associated with application preparation or submission of applications if an award is not made. If an award is made, such costs may be allowable as provided in the applicable cost principles.
- E. Applicant's Past Performance:** DOE reserves the right to solicit from available sources relevant information concerning an applicant's past performance and may consider such information in its evaluation.
- F. Program Administration and Management:** OIT, through the DOE Regional Offices (Regional Office Contact information is located at www.oit.doe.gov/nice3/contacts/rotable.shtml), will award the financial assistance to the grantees. Awards will be in a format consistent with the 10 CFR 600 requirements. Appropriate provisions will be negotiated with successful applicants and incorporated in any resulting award,

as necessary for the particular project. Projects may be funded in phases in accordance with successful completion of tasks delineated in the Task/Milestone Table.

- G. Commitment of Public Funds:** The Contracting Officer is the only individual who can legally commit the Government to the expenditure of public funds in connection with the proposed award. Any other commitment, either explicit or implied, is invalid.
- H. Effective Period of Application:** All applications shall remain in effect for at least 180 days from the closing date.
- I. Availability of Funds:** The actual amount of funds to be obligated in each fiscal year will be subject to availability of funds appropriated by Congress. DOE reserves the right to fund in whole or in part any, all, or none of the applications submitted in response to this solicitation.
- J. Pre-award Costs:** Awardees may request to incur pre-award costs up to ninety (90) days prior to the effective date of award. Should the awardee take such action, it is done so at the awardee's risk and does not impose any obligation on the DOE to issue an award (10 CFR 600.125).
- K. Environmental Impact:** An applicant environmental checklist is required to be completed after selection. An award will not be made until any and all environmental requirements are completed.
- L. Notice Regarding Purchase of American-Made Equipment and Products--Sense of Congress:** It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under an award should be American-made.
- M. Lobbying Restriction (Department of Interior & Related Appropriations Act):** The contractor or awardee agrees that none of the funds obligated on an award shall be made available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete. This restriction is in addition to those prescribed elsewhere in statute and regulation.
- N. Program Exclusions:** The following topics are excluded from this solicitation and will not be considered for award:
- Nuclear power generation
 - Remediation of sites
 - Treatment or storage of nuclear or mixed wastes resulting from nuclear power generation
 - Weapons, games, and toys
 - Municipal waste
 - Oil, gas, and coal exploration technologies
 - Waste tire utilization
 - Technologies that violate known laws of physics or thermodynamics
 - Projects not relevant to the EERE program priorities.
- O. Sub-awards to Debarred and Suspended Parties:** Applicants, participants, and sub-tier entities must not make any award or permit any award (subcontract, contract, or subgrant) at any tier to any party which is debarred, suspended, or is otherwise excluded from or ineligible for participation in Federal Assistance programs under Executive Order 12549 "Debarment and Suspension" or is otherwise ineligible hereunder.
- P. Rights to Intellectual Property:** Domestic Small Business firms and domestic nonprofit organizations normally will receive the Patent Rights clause of 952.227-71 which permits the contractor to retain title to subject inventions. In grants and contracts with other organizations, because of DOE's statutory patent policy, DOE normally will reserve the right to title in all

inventions, conceived or first actually reduced to practice under grants and contract. However, as a result of the class waiver of the governments' rights in inventions developed under the NICE³ program, large business participants under the program have a right to elect title in inventions developed by their employees if they agree to the terms of the waiver. As conditions of the class waiver the large business participant must meet all financial participation requirements of the award. The government shall retain its normal statutory license in such inventions. For more information on this subject, please visit www.ch.doe.gov/ILP/INDEX.HTM.

- Q. Executive Order 12372:** It is the opinion of DOE that Executive Order 12372, which requires review of certain financial assistance applications by states, does not apply to this action.
- R. Proprietary Application Information:** Applications submitted in response to this solicitation may contain trade secrets and/or privileged or confidential commercial or financial information which the applicant does not want used or disclosed for any purpose other than evaluation of the application. The use and disclosure of such data may be restricted, provided the applicant marks the cover sheet of the application with the following legend and specifies the pages of the application which are to be restricted in accordance with the conditions of the legend:

"The data contained in pages XX of this application have been submitted in confidence and contain trade secrets or proprietary information, and such data shall be used or disclosed only for evaluation purposes, provided that if this applicant receives an award as a result of or in connection with the submission of this application, DOE shall have the right to use or disclose the data herein to the extent provided in the award. This restriction does not limit the government's right to use or disclose data obtained without restriction from any source, including the applicant."

Further, to protect such data, each page containing such data shall be specifically identified and marked, including each line or paragraph containing the data to be protected with a legend similar to the following:

"Use or disclosure of the data set forth above is subject to the restriction on the cover page of this application."

It should be noted, however, that data bearing the aforementioned legend may be subject to release under the provisions of the Freedom of Information Act (FOIA) if DOE or a court determines that the material so marked is not exempt under the FOIA. The Government assumes no liability for disclosure or use of unmarked data and may use or disclose such data for any purpose. Applicants are hereby notified that DOE intends to make all submitted applications available to non-Government personnel for the sole purpose of assisting the DOE in its evaluation of the applications. Information contained in the application shall be treated in accordance with the policies and procedures set forth in 10 CFR Part 600.15. These individuals will be required to protect the confidentiality of any specifically identified information obtained as a result of their participation in the evaluation. Submission of an application under this solicitation constitutes consent to use outside evaluators.

NICE³ ATTACHMENTS

- Attachment 1 [NICE³ Grant Application Requirements Checklist](#)
Attachment 2 [Cost-Sharing, Demonstration Host Site, and Commercial Demonstration Checklist](#)
Attachment 3 [Similar Financial Assistance Applications or Awards](#)